

certificates be signed and countersigned by whom, license to be recognized by whom and where for certain period, to be renewed when, not transferable; providing penalty for use of license by any other than the one to whom issued; license may be granted without examination to whom and by whom upon payment of fee, to be posted where and exhibited when and to whom; providing for collection of fees, said fees to be transmitted to State Board of Health, and paid by it into the general fund of State Treasury; providing that all such moneys are appropriated and set aside for what purposes; providing that if any section of the Act be held unconstitutional it shall not affect any other parts of the Act; providing penalty for failure to remit moneys collected repealing all acts or parts of acts in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

HALL, Chairman.

Senate Chamber,

Austin, Texas, Feb. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 41 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,

Austin, Texas, Feb. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 284 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,

Austin, Texas, Feb. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 251 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,

Austin, Texas, Feb. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had Senate Bill No. 140 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,

Austin, Texas, Feb. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 86 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,

Austin, Texas, Feb. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 209 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

### THIRTY-FIFTH DAY.

Senate Chamber,

Austin Texas,

Monday, Feb. 28, 1921.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

Absent.

Dorough.	Russell.
Harp.	Sulter.
Parr.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

(See Appendix for committee re-

ports and brief statement of petitions and memorials.)

### Bills and Resolutions.

By Senator Suiter:

S. B. No. 311, A bill to be entitled "An Act to fix the time of holding the District court in the various counties in the Seventh Judicial District of Texas, to validate all process, bonds and recognizances heretofore taken in the courts of said district and all judgments rendered, or to be rendered, repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator McNealus:

S. B. No. 312, A bill to be entitled "An Act to amend Article 1096d, Title 22, Chapter 17, Acts 1913, relating to the Home Rule Act, conferring powers on cities having more than five thousand inhabitants, and by adding thereto the hereinafter powers upon such cities, to regulate the location, size, height, bulk and use of buildings within certain zones or districts and to divide such cities into zones or districts and to prescribe building lines and to authorize the creation of a Board of Review or Appeals as may be deemed advisable in any charter adopted by any such city under the Home Rule provision of the Constitution."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Darwin, Clark, Hall Bailey, Buchanan, Watts, Davidson, Wood, Witt, McNealus, Fairchild, Rogers, Murphy, Bledsoe, Richards, Cousins, Hertzberg, Page, Parr, Dudley, Baugh, Carlock, Lewis, Floyd and McMillin:

S. B. No. 313, A bill to be entitled "An Act to appropriate ten thousand dollars (\$10,000.00) to purchase the Aitken collection of four thousand volumes on English literature, owned by H. B. Wrenn of Chicago, on which the University of Texas has an option to buy for twenty thousand dollars (\$20,000.00), and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Bailey, by Request:

S. B. No. 314, A bill to be entitled

"An Act to amend Article 2865, Title 48, Chapter 16, of the Revised Civil Statutes of the State of Texas, so as to provide for the mode, manner and method of changing the boundaries of school districts; for the description of territory proposed to be incorporated within any school district; providing for certain powers to be vested in the Board of Trustees in the incorporation of such territory, and describing the rights and privileges of citizens and the liability of property embraced within such district, and for the taxation thereof; providing that this law is cumulative of all other laws upon the subject, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Williams:

S. B. No. 315, A bill to be entitled "An Act to amend Subdivision A of Section 4, of Chapter 37, an Act passed by the First Called Session of the Thirty-fifth Legislature, approved May 25th, 1917, being an Act concerning loan and investment companies, defining the same and providing for their incorporation, powers and supervision, so as to permit the board of directors of such companies to discount loan at a greater rate than six per centum with the consent of the State Banking Board when the rediscount rate fixed by the Federal Reserve Board exceeds four per centum, and the said subdivision is hereby amended to read as follows, and any part or parts of the said Act approved May 25th, 1917, in conflict herewith are hereby repealed, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Bailey:

S. B. No. 316, A bill to be entitled "An Act granting to the City of Port Lavaca, Texas, all right, title and interest of the State of Texas to certain land lying and being situated under the waters of Lavaca Bay, and granting to said City of Port Lavaca, Texas, the right, power and authority to locate, construct, own and maintain certain sea walls or breakwaters on said lands, and to fill in the space between the mainland and said sea wall or breakwaters with sand, dredge spoil or other material, and granting to the said City of Port Lavaca the right to take from Lavaca Bay such sand, dredge spoil or other material as may be necessary or desirous for filling in

such space; and authorizing said City of Port Lavaca to remove and abate any encroachment or structures existing on said property, and to bring such suit or suits as may be necessary to carry out the provisions of this Act; and granting to said City of Port Lavaca the right to fix the shipping district, and to authorize, purchase, construct, own and maintain piers and wharves and to grant franchise therefor, and to construct and maintain slips into the waters of Lavaca Bay beyond said sea walls or breakwaters, and within the territory herein granted; granting the right of eminent domain and reserving all mineral rights to the State, providing for the appraisalment of said land, and the sum per acre to be paid for said land, and the disposition of said funds, and the issuance of a patent therefor, fixing the time to begin construction and reserving to the State and the United States Government the right to erect wharves, piers and buildings on said land, and reserving the right to place all piers and wharves and the rates and charges thereon under the supervision of the Railroad Commission of the State, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Bailey, by Request:

S. B. No. 317, A bill to be entitled "An Act to amend Articles 2851 and 2865, Title 48, Chapter 16, of the Revised Civil Statutes of the State of Texas, providing that any town or village of two hundred (200) inhabitants or over may incorporate for free school purposes only; describing the territory which may be embraced within the limits of such corporation and how the same shall be laid out; for an election to be held for such incorporations and for due return thereof to the County Judge, describing the powers and duties of the County Judge thereunder and the levying and collection of taxes and for the issuing of bonds for school purposes and defining the rights and powers of such incorporated districts and providing for the mode, manner and method of changing the boundaries of school districts; for the description of territory proposed to be incorporated within any school district; providing for certain powers to be vested in the Board of Trustees in the incorporation of such territory; defining the rights, powers and privileges

of the inhabitants and the liability of property embraced within such district, and for the taxation thereof; that this Act is cumulative of all other laws upon the subject, repealing only those in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator McNealus:

S. B. No. 318, A bill to be entitled "An Act to amend Sections 19, 20, 21, 38 and 47, of Chapter 44, Acts of the Thirty-fifth Legislature, Fourth Called Session, approved April 2, 1918, and also to amend Section 56 of said Chapter 44, as amended by Chapter 135, Acts of the Thirty-sixth Legislature, Regular Session, approved March 24, 1919; providing for the appointment of Commissioners of Appraisalment for levee improvement districts; defining their powers and duties, and providing for their compensation and hearing on their report; authorizing Commissioners' Courts to levy and cause to be assessed and collected the necessary taxes in such districts; defining the powers and duties of district supervisors and others with regard to contracts for construction work; providing for revision of the assessment of benefits and damages in such districts; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Witt:

S. B. No. 319, A bill to be entitled "An Act amending Chapter 41 of the Special Laws passed at the Regular Session of the Thirty-third Legislature creating a more efficient road system for McLennan County, Texas, so as to authorize the Commissioners' Court of McLennan County to pay the Road Superintendent a yearly salary of not exceeding five thousand (\$5,000.00) dollars, and repealing laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Watts, by Request.

S. B. No. 320, A bill to be entitled "An Act to extend the time for prospecting for oil and gas on public school land under the terms of oil and gas permits heretofore issued, in cases where any such permit is owned by the same persons who own the surface of the land included in said permit, so as to allow such joint owners of the

permit and the surface a period of five years from date of the issuance of such permit to develop said land for oil and gas under the provisions of such permit, providing for drilling of offset wells under direction of the Commissioner of General Land Office, and forfeiture in case of failure to drill such offsets, providing that nothing herein shall affect the rights of such owners to relinquish their permits in case they desire to do so, nor affect permits heretofore issued in cases where the owner of the permit is not also the owner of the surface."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Wood:

S. B. No. 321, A bill to be entitled "An Act amending Article 1903 of Chapter 8, Title 37 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 176 of the General Laws of the Regular Session of the Thirty-fifth Legislature, which article of the statutes relates to the sufficiency of the plea of privileges, and the action of the court thereon, and providing a method for converting the plea, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bledsoe, by Request.

S. B. No. 322, A bill to be entitled "An Act providing that the Commissioners' Court in counties with a population of 15,000 inhabitants or more, according to the last United States census, and having as many as twenty producing oil wells and constituting a judicial district, shall authorize the appointment of a special investigator, who shall be required to take the constitutional oath of office, and who shall receive not less than \$150 per month and not more than \$200 per month for his services, such investigator to be appointed by the District Attorney, where such court has a District Attorney; otherwise to be appointed by the County Attorney; providing that such investigator shall hold his office only at the pleasure of such County or District Attorney, and shall at all times work under the direction of such County or District Attorney in ferretting out crime, obtaining witnesses and doing other work in connection with law enforcement; authorizing such investigator to carry a pistol, but not to

make arrests, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Bledsoe, by Request.

S. B. No. 323, A bill to be entitled "An Act creating the Laketon Independent School District, in Gray County, Texas, covering the territory now known as Common School Districts Nos. 1, 15, 4, 14 and a part of Common School District No. 8; defining its boundaries and providing for the election of a Board of Trustees and the election thereof and the manner of determining their term of office, defining their qualifications, duties, powers and authority, and defining their limitations, and providing for filling vacancies in said Board; authorizing the Board of Trustees to levy, assess and collect taxes, to pay the current expenses in the maintenance and support of the public free schools therein; providing for a Tax Assessor and Collector, Treasurer, Secretary and other officers and committees; and defining their duties and providing for their compensation; providing for the manner of assessing taxes; providing for a Board of Equalization and defining its powers and duties, and defining a basis for equalizing taxes; vesting all the property of the above named common school districts and parts of common school districts in the Laketon Independent School District and providing that Laketon Independent School District shall be liable for all claims and debts now existing against the said above named common school districts and providing for the management and control of the public free schools in said independent school district, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Williams:

S. B. No. 324, A bill to be entitled "An Act to amend Section 87, Chapter 123, Title 1, of the General Laws passed by the Regular Session of the Thirty-sixth Legislature, 1919, said Section 87 relating to instruments made payable at a bank, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

Morning call concluded.

**Conference Committee Report On  
House Bill No. 342.**

Committee Room,

Austin, Texas, Feb. 24, 1921.

Hon. Lynch Davidson, President of the Senate, and Hon. Chas. G. Thomas, Speaker, House of Representatives.

Sirs: Your Conference Committee, appointed by your respective bodies to adjust the differences between the Senate and the House on

H. B. No. 342, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue for the several institutions and departments of the State Government for the fiscal year ending August 31, 1921, and declaring an emergency,"

Have had same under consideration, and beg to report that we have adjusted the differences and recommend that the House bill, as amended by the Senate, be adopted, with the following exceptions:

That the item, "For repairing and general overhauling and refinishing of the Governor's mansion," be reduced to five thousand (\$5,000.00) dollars.

That the item, "To pay G. W. Brillhart, contractor, balance on construction of new dormitory, two thousand two hundred seventy-seven and forty-eight one-hundredths (\$2,277.48) dollars," be eliminated. (State Orphans' Home.)

That the wording of item, "To pay off permanent school bonds Nos. 1, 3, 10 and 11," be changed to read: "To pay off State bonds Nos. 1, 3, 10 and 11."

That there be added to an item, under heading of "Department of Education," "For traveling expense of high school supervisors, one thousand (\$1,000.00) dollars."

Respectfully submitted,

Dudley, Wood, Darwin, Page, Rogers,  
on Part of Senate.

Satterwhite, Henderson of Marion,  
Thrasher, Thompson of Harris, West,  
on Part of the House.

The above report was read and adopted by the following vote:

Yeas—23.

Bailey.	Fairchild.
Baugh.	Floyd.
Buchanan.	Hertzberg.
Carlock.	Lewis.
Clark.	McMillin.
Cousins.	McNealus.
Darwin.	Murphy.
Davidson.	Page.
Dudley.	Richards.

Rogers.  
Watts.  
Williams.

Wood.  
Woods.

Absent.

Bledsoe.  
Parr.  
Hall.

Harp.  
Sulter.  
Witt.

Absent—Excused.

Dorough.

Russell.

**Conference Committee Report On  
House Bill No. 227.**

Senator Buchanan called from the table and the Chair laid before the Senate, the conference committee report on H. B. No. 227 (see Friday's Journal for the report in full).

The report was, on motion of Senator Buchanan, adopted by the following vote:

Yeas—21.

Bailey.  
Baugh.  
Buchanan.  
Carlock.  
Cousins.  
Davidson.  
Dudley.  
Fairchild.  
Floyd.  
Hertzberg.  
Lewis.

McMillin.  
McNealus.  
Murphy.  
Page.  
Richards.  
Rogers.  
Watts.  
Williams.  
Wood.  
Woods.

Absent.

Bledsoe.  
Clark.  
Darwin  
Hall.

Harp.  
Parr.  
Sulter.  
Witt.

Absent—Excused.

Dorough.

Russell.

**Senate Bill No. 122.**

The Chair laid before the Senate, as a special order for this hour, and on second reading,

S. B. No. 122, A bill to be entitled "An Act establishing a State Athletic Commission and regulating the art of boxing and sparring exhibitions or performances, in the State of Texas."

Senator Baugh offered the following amendment:

Be it Enacted by the Legislature of the State of Texas:

Section 1. Cities and Towns Empowered to Create Office of Com-

missioner of Public Indoor Recreation Places. Any city and town in this State shall have authority to create, within its own council or commission, the office of City Commissioner of Public indoor Recreation Places or to empower some existing officer of the city government to exercise the duties and powers as said Commissioner. Said Commissioner shall be appointed by the Mayor of the city. The salary of said Commissioner shall be fixed by the City Council or Commission.

Sec. 2. Duties of City Commission of Public Indoor Recreation Places. Such City Commissioner of Public Indoor Recreation Places shall formulate such rules for the administration of his office not inconsistent herewith as he may deem expedient, and may hereafter amend such rules in accordance with the provisions of this Act. Such Commissioners shall have power, authority and jurisdiction to permit, license, regulate, supervise and control the operation of public indoor recreation places in their respective cities or towns as hereinafter provided, where facilities may be furnished for bowling, chess, checkers, billiards, boxing, handball, basket ball, dominoes, wrestling and other innocent games and sports where fees are charged. The conduct of public indoor places of recreation for such games and sports for a fee in accordance with this Act is hereby declared lawful. All such recreation places shall be operated under the strict supervision, control and regulation of such City Commissioners of Indoor Recreation as provided for in this Act and not otherwise.

Sec. 3. Permits and Licenses. No public recreation place shall operate without first obtaining a permit from the City Commissioner of Public Indoor Recreation Places, and upon the granting of the permit, a license shall be issued, which license shall be kept constantly posted in some conspicuous place in said public recreation place. The annual permit fee shall be fixed by the City Council or Commission not to exceed \$100.00 per annum.

Sec. 4. Character of License. No permit shall be issued except to citizens of the United States upon presentation of proof of their good moral character, which shall consist of a certificate of good character signed by ten reputable citizens, and any license so issued to such person shall be subject to revocation and cancellation by such

Commissioner at any time when it is made to appear by the sworn statement of three credible persons, setting forth the fact constituting such violations that such recreation place is being conducted in violation of the regulations or the provisions of this Act. No license shall be issued to any person under twenty-one years of age or to any person who has been convicted of a felony.

Sec. 5. Public Indoor Recreation Place Defined. The term public indoor recreation place, as used in this Act, shall mean any room, hall, indoor court, inclosure, building or other indoor place kept and operated for the purpose of permitting the public to play games or sports upon or in chess boards, ten-pin alleys, bowling alleys, billiard tables, boxing rings, wrestling mats, boxball alleys, basket ball courts and other like games of innocent amusement, where said game or games and the equipment used in the connection with the playing thereof is permitted to be used and played for profit. The word profit, as used herein, shall mean anything of value paid or charged for the privilege of playing any of said games, and for the use of any of the equipment used in the playing of same. The payment of any money or anything of value by either of the participants in any game within the contemplation of this Act, to the owner, manager or operator of a place of indoor recreation for the privilege of playing the same or for use of any equipment used to play the same, shall be prima facie proof that said place is being legally operated for profit under the terms of this Act.

Sec. 6. Bond. A bond in the sum of \$1,000.00, payable to the Mayor of the town or city in which such license is granted, and to his successor in office, shall be filed with said Commissioners before any permit shall be issued, which bond shall be conditioned that the maker will observe indoor recreation laws and regulations and shall authorize the City or County Attorney of the city or county where said recreative place is conducted to file suit on the same in the event of the violation of any of such laws or regulations. Any recovery on said bond shall be liquidated damages suffered by the city by reason of such violation, and may be recovered as a penalty, in addition to other fines and penalties provided for in the law. The Commissioner and the Mayor shall be

the sole judges of the sufficiency of the sureties.

Sec. 7. Gambling Prohibited. Gambling in any form shall be strictly prohibited.

Sec. 8. Ventilation and Sanitary Rules. All public indoor recreation places charging a fee shall be provided with such sanitary toilet accommodations and facilities for lighting, heating and ventilation as may be prescribed by the local and State health officers and such other facilities as may be prescribed by the Commissioner of Indoor Recreation. It shall be unlawful to have any obstruction, screen, blind or curtain covering any part of any window or door of such recreation places, so that the public may have an unobstructed view from the entrance of the interior at all times.

Sec. 9. Forbidding Minor and Vagrant Patrons. Minors shall not be permitted to remain or play in said recreation places without the written consent of parents or guardian. Any minor violating this provision shall be guilty of a misdemeanor and placed in custody of the local juvenile officer for correction and punishment. Vagrants shall not be permitted in said recreation places. No loud, obscene or indecent language shall be permitted. No obscene or indecent pictures shall be displayed upon the walls of such places. Any proprietor, operator or their agent operating a public indoor amusement place knowingly violating the provisions of this section shall be subject to a fine of \$50.00 for each offense. Permitting each minor to loiter in such public indoor amusement place shall constitute a separate offense.

Sec. 10. No boxing exhibition, bout or contest authorized under the provisions of this Act shall be allowed to continue for a longer period than fifteen rounds of three minutes each, nor shall any judge, referee or other official be allowed to award any title, championship, or render any official decision as to which contestant in such boxing bout, exhibition or contest is the winner of same, and any person, contestant, judge, referee, promoter or Commissioner of Indoor Recreation found guilty of violating any of the provisions of this section of this Act shall be punished by a fine of not less than \$100.00 and not more than \$5,000.00 and by imprisonment in the county jail not less than thirty days and not more than one year.

Sec. 11. Hours of Closing. No pub-

lic recreation place where a fee is charged shall be open between the hours of 11:30 p. m. and 8 a. m.

Sec. 12. It shall be the duty of every Commissioner of Indoor Recreation Places provided for in this Act, before any license or permit provided for by this Act shall be granted, to prepare and submit to the Mayor and Board of Aldermen, City Council or City Commissioners a full and complete set of rules and regulations governing the conduct and operation of such indoor place of recreation to be approved by such governing body of such city or town. A copy of such rules and regulations and all changes that may be made therein from time to time shall be kept on file in the office of the Mayor of such town or city and open to the inspection of any citizen, and at least two copies duly signed and authenticated by the Mayor and Commissioner of Indoor Recreation Places shall be delivered to such person or persons to whom a license or permit is granted, one of which shall be kept constantly posted in a conspicuous place in such indoor recreation place, which rules and regulations shall be strictly enforced by the licensee. All such permits or licenses are non-transferable.

Sec. 13. Penalties. In addition to the penalties already provided for by this Act any person conducting a place of indoor recreation under the terms of this Act, or manager or agent of any firm or corporation conducting a place of indoor recreation under the terms of this Act, who shall knowingly fail to conduct the same in a lawful manner, that is in violation of this Act or any other Act of this State, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$25.00, nor more than \$100.00, and each day that said recreation place is so operated shall constitute a separate offense.

Sec. 14. Admission Fees. Nothing in this Act shall be taken to give the Commission authority to regulate the price of admission to public indoor recreation places.

Sec. 15. Unconstitutionality of any section not to affect the remainder of Act. Should any section of this Act be declared unconstitutional, it shall not affect the validity of any other section of this Act.

Pending discussion, Senator Mc Nealus made the point of order that the amendment was not germane to the bill.

The Chair overruled the point of order.

Senator Clark offered the following amendment to the amendment:

Amend the amendment by striking out "billiard" wherever it occurs in the amendment.

(Senator McMillin in the Chair.)

The amendment was read and lost by the following vote:

Yeas—10.

Buchanan.	Floyd.
Clark.	Lewis.
Darwin.	McMillin.
Davidson.	Richards.
Fairchild.	Watts.

Nays—12.

Bailey.	Murphy.
Baugh.	Page.
Dudley.	Rogers.
Hall.	Williams.
Hertzberg.	Witt.
McNealus.	Wood.

Absent.

Bledsoe.	Parr.
Carlock.	Russell.
Cousins.	Suiter.
Dorough.	Woods.
Harp.	

Senator Floyd offered the following amendment to the amendment:

Amend the bill, page 3, by striking out Section 4 and substitute a new section as follows:

No permit shall be issued except to patriotic associations, organizations or societies which have a bona fide membership as such, and any license so issued to such association, organization or society shall be subject to revocation and cancellation by such Commissioner at any time when such licensee may be convicted of violation of any of the provisions of this Act.

On motion of Senator Baugh the amendment, after being discussed, was tabled.

Senator Davidson offered the following amendment to the amendment:

Amend S. B. No. 122-177, line 1, page 7, by adding thereto the following at end of Section 15:

Provided that nothing in this Act shall be construed to repeal Articles 1507 and 1508 of the Penal Code of Texas, known as the Culberson Anti-Prize Fighting Act.

The amendment to the amendment was read and adopted.

Senator Davidson offered the following amendment to the amendment:

Amend the amendment to S. B. No. 122:

Provided further, that no admission fees shall be charged to the entrance to any boxing match where either of the parties engaged in said boxing match are non-residents of the county where the match occurs.

The amendment to the amendment was tabled.

(Lieutenant Governor Davidson in the Chair.)

Pending discussion on the amendment, Senator Floyd offered the following amendment to the amendment:

Amend the amendment, page 3, Section 4, line 28, by striking out the words, "subject to revocation and cancellation," and insert in lieu thereof the following: "Revoked and cancelled."

The amendment to the amendment was adopted.

Action recurred on the amendment, as amended, and the same was adopted by the following vote:

Yeas—17.

Baugh.	Lewis.
Bledsoe.	McMillin.
Carlock.	Richards.
Clark.	Rogers.
Cousins.	Williams.
Davidson.	Witt.
Dudley.	Wood.
Hall.	Woods.
Hertzberg.	

Nays—6.

Darwin.	Murphy.
Floyd.	Page.
McNealus.	Watts.

Absent.

Bailey.	Harp.
Buchanan.	Parr.
Dorough.	Russell.
Fairchild.	Suiter.

Senator Baugh offered the following amendment, which was read and adopted:

Amend S. B. No. 122 by striking out the caption, lines 7, 8 and 9, and inserting in lieu thereof the following:

An Act to empower municipal corporations to create the office of City



Commissioner of Public Indoor Recreation Places or other officer of city government to perform his duties, fixing the duties and powers of such Commissioner, defining public indoor recreation places, and requiring the operation of such places in conformity with this Act, repealing all laws in conflict herewith authorizing city governments to require license and fix license rates, limiting licenses to citizens of the United States and adults, providing for revocation of license, compelling operators of such places to conform to regulations of Commissioner and the provisions of this Act and fixing penalty, prohibiting minors and vagrants from loitering in such places, prohibiting blinds or other obstructions which would interfere with a view of the interior from the entrance; regulating hours of opening and closing, declaring unconstitutionality of one section shall not affect any other section.

Senator McNealus offered the following amendment:

Amend S. B. No. 122, printed page 1, and insert, "S. B. No. 172, by Baugh."

The amendment was held out of order by the Chair.

Action recurred on the engrossment of the bill and the Senate passed same to engrossment by the following vote:

**Yeas—16.**

Bailey.	Hall.
Baugh.	Hertzberg.
Bledsoe.	McMillin.
Carlock.	Richards.
Clark.	Rogers.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.

**Nays—10.**

Buchanan.	McNealus.
Cousins.	Murphy.
Darwin.	Page.
Floyd.	Watts.
Lewis.	Woods.

**Absent.**

Dorough.	Russell.
Harp.	Suiter.
Parr.	

**Message from the House.**

Hall of the House of Representatives,  
Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has adopted H. C. R. No. 26, providing for sine die adjournment of the Legislature for March 12, 1921.

Respectfully submitted,

N. K. BROWN,  
Chief Clerk, House of Representatives.

**Senate Bill No. 45—With Executive Veto.**

The Chair here laid before the Senate the following executive message:  
Governor's Office,

Austin, Texas, Feb. 26, 1921.

To the Texas Senate.

Gentlemen: A pistol, generally speaking, is bought and carried in order that a human being may be killed with it should the occasion arise to do so.

Every person who puts a pistol in his hip pocket intends to kill a man with it, should he, from his viewpoint, deem it wise to do so.

Man is the masterpiece of the world.

He lives a life sublime and dies a death immortal.

No legislation should be had that will encourage or make easy the taking of human life.

It should be made as difficult as possible for one man to kill another.

For this reason, there has long been a law in this State that prohibits the carrying of a pistol.

It has been, also, for many years, against the law in Texas to sell a pistol.

There has been presented to me, as Governor, for my approval or disapproval, Senate Bill No. 45, which repeals the law prohibiting the sale of pistols.

If this bill is to become a law, then it seems to me that it would be proper to repeal the law prohibiting the carrying of a pistol, and in this way permit every man, woman and child in the State to enjoy life, liberty and the pursuit of happiness.

The only good thing the proponents of this bill can say in behalf of the pistol is that it should be put on the open market in order that the people may feel free to buy it for the protection of the home.

My answer to this eulogy in behalf of the pistol is that a shotgun loaded with buckshot is a far better protector of the home than a pistol.

To encourage and make easy the

purchase of a pistol is to encourage and make easy violations of the law.

I am unwilling for the State to say, during this high crime wave, that the State now believes that pistols should be freely sold and that the people should in this day be encouraged to purchase them as a means of preserving peace.

Not even in the name of handsome profits on the sale of pistols, do I deem it wise for the State to put the seal of approval on a program of that kind.

This bill I am asked to sign and which passed your body with but two dissenting votes admits in its provisions that a pistol is such a bad thing that it should not be sold to a person under 21 years of age or to a person "under the heat of passion," or displayed in any show window.

For practical purposes, of course, these provisions of the bill are worthless, but the very fact that these inhibitions were placed in the bill is very suggestive of the evils that will probably come from the sale of a pistol.

I would gladly endorse a bill that would make it absolutely impossible for anyone in Texas either to buy or to lease a pistol.

If a thing is productive of sorrow and lawlessness and crime, I am in favor of minimizing it in every legitimate way possible, whether it be the sale of a pistol or the sale of a bottle of whisky.

It is impossible, as I see it, to make the laws too tight, to enforce them too rigidly in regard to matters of this kind.

I am, therefore, returning to you Senate Bill No. 45, with my veto and disapproval.

PAT M. NEFF,  
Governor.

The above message was read to the Senate, and

Senator Darwin moved that the bill be passed, notwithstanding the veto of the Governor.

Question recurred: Shall S. B. No. 45 be passed, notwithstanding the Governor's veto?

The Clerk was directed to call the roll and the bill was passed, notwithstanding the objections of the Governor, by the following vote:

Yeas—22.

Bailey.	Bledsoe.
Baugh.	Carlock.

Clark.	McMillin.
Darwin.	McNealus.
Davidson.	Murphy.
Dudley.	Richards.
Fairchild.	Rogers.
Floyd.	Watts.
Hall.	Williams.
Hertzberg.	Witt.
Lewis.	Wood.

Nays—4.

Buchanan.	Page.
Cousins.	Woods.

Absent.

Dorough.	Russell.
Harp.	Suiter.
Parr.	

Recess.

On motion of Senator Clark the Senate, at 12:25 o'clock p. m., recessed until 3 o'clock today.

After Recess.

The Senate was called to order at 3 o'clock by Lieutenant Governor Davidson.

#### House Concurrent Resolution No. 26.

The Chair laid before the Senate H. C. R. No. 26, providing for sine die adjournment of the Legislature for March 12, 1921, at 12 o'clock noon.

The resolution was read, and Senator McNealus moved that the resolution be adopted, and

Senator Darwin moved as a substitute that the resolution be laid on the table subject to call.

Action recurred on the substitute first and the same was lost by the following vote:

Yeas—8.

Bledsoe.	Page.
Darwin.	Witt.
Davidson.	Wood.
McMillin.	Woods.

Nays—18.

Bailey.	Clark.
Baugh.	Cousins.
Buchanan.	Dudley.
Carlock.	Fairchild.

Floyd.	Murphy.
Hall.	Richards.
Hertzberg.	Rogers.
Lewis.	Watts.
McNealus.	Williams.

Absent.

Dorough.	Russell.
Harp.	Suiter.
Parr.	

Action recurred on the motion to adopt the resolution and the same was adopted by the following vote:

Yeas—20.

Bailey.	Hall.
Baugh.	Hertzberg.
Buchanan.	McMillin.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Richards.
Darwin.	Rogers.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Wood.

Nays—6.

Bledsoe.	Page.
Davidson.	Witt.
Lewis.	Woods.

Absent.

Dorough.	Russell.
Harp.	Suiter.
Parr.	

#### Senate Bill No. 29.

Senator Dudley called from the table and the Chair laid before the Senate on second reading,

S. B. No. 29, A bill to be entitled "An Act defining live stock commission merchants; requiring such merchants to give bond; providing for the renewal of such bond; the approval and record of the same; imposing penalties for pursuing the occupation of a live stock commission merchant when bond has not been made or renewed, or when there has been an intentional breach of said bond, or for making materially false statements in the application relative to fixing the amount of the bond; requiring remittances of the proceeds of stock sold by such commission merchant to be made to the parties rightfully entitled thereto within forty-eight hours after such sale has been made, either in certified check or bank exchange unless waived

in writing by the parties rightfully entitled thereto and prescribing penalty for failure to so remit; prohibiting the appropriation or use for any purpose by such live stock commission merchant of net proceeds of live stock sold by such live stock commission merchant, and prescribing penalty for so appropriating or using; requiring the posting of a certified copy of the bond in some conspicuous place in the office of the principal place of business of said live stock commission merchant and prescribing penalty for failure so to do; providing for suits upon said bond and fixing the venue thereof; repealing all laws in conflict herewith, and especially the Act of the Thirty-third Legislature, Chapter 49, Regular Session, page 93, and declaring an emergency."

Senator Dudley moved to rescind the vote by which the Senate adopted the committee amendment No. 1, which motion was unanimously adopted. (See committee report in Journal of February 2, for the amendment No. 1.)

(Senator Bailey in the Chair.)

Senator Carlock offered the following several amendments, which were acted on severally and adopted:

(1) Amend Section 3, page 3, lines 1 to 4, inclusive, by striking out all after the word, "made," in line 1, down to and including the word, "proceeds," in line 4.

(2) Amend Section 9, page 6, lines 10 to 11, inclusive, by striking out the following: "Either in certified check or bank exchange, unless waived in writing by the person entitled to receive such net proceeds."

(3) Amend Section 10, page 6, line 19, by striking out the word, "person," and inserting in lieu thereof the word, "purpose."

(4) Amend the caption, lines 16, 17 and 18, by striking out the following: "Either in certified check or bank exchange, unless waived in writing by the parties rightfully entitled thereto."

Amend S. B. No. 29, Section 3, page 2 of the printed bill, line 30, after the word, "consigned," add the following clause: "Excluding the day of sale, Sundays and holidays."

The bill was read second time and passed to engrossment.

On motion of Senator Dudley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 29 put on its

third reading and final passage by the following vote:

**Yeas—24.**

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Richards.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Floyd.	Wood.
Hall.	Woods.

**Absent.**

Dorough.	Rogers.
Fairchild.	Russell.
Harp.	Suiter.
Parr.	

The bill was read third time and passed finally.

**Message from the House.**

Hall of the House of Representatives.  
Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted a simple resolution requesting return House Bill No. 432 for further consideration.

And has passed finally

H. B. No. 30, A bill to be entitled "An Act amending Article 832 of Title 13 of the Revised Criminal Statutes of the State of Texas, 1911, providing that if any person liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay the road overseer the sum of two dollars for each day he may have been notified to work on the public roads, or to pay to such overseer the sum of two dollars and fifty cents for each day he may have been notified to furnish his team for road work, or having attended, shall fail or refuse to perform good service, or any other duty required of him by law, or the person under whom he may work, or to comply

with any duty required of him by the laws relating to work on the public roads, shall be deemed guilty of a misdemeanor; prescribing penalty for violation of this Act, and declaring an emergency."

With engrossed rider.

Respectfully submitted,  
O. P. BRADFORD,  
Acting Chief Clerk,  
House of Representatives.

**Executive Message.**

Austin, Texas, Feb. 28, 1921.

To the Texas State Senate.

Gentlemen: For your information, desire to say that I have this day received, addressed to me dated February 22nd, the following:

"I am hereby resigning the office of State Senator of the 28th Senatorial District. Please accept at once.

"(Signed) J. A. RUSSELL."

Accompanying this resignation is a letter addressed to me from M. A. Smith, Attorney at Law, Eastland, transmitting to me, in the capacity of an attorney for Senator Russell, said resignation and vouching for its authenticity, saying that it was in the handwriting of Senator Russell.

Yours sincerely,

PAT M. NEFF,  
Governor.

**House Bill No. 432—Returned to House.**

Senator Murphy moved that the Senate grant the request of the House for the return of House Bill No. 432.

The motion was adopted.

**Senate Bill No. 237.**

Senator Witt called from the table, and the Chair laid before the Senate, on a motion to reconsider the vote by which the Senate had passed the bill finally, the motion being spread on the Journal.

The question being on the motion to reconsider the final passage of the bill, which motion was adopted.

The Chair laid before the Senate, on third reading,

S. B. No. 237, A bill to be entitled "An Act to amend Article 788 of the Code of Criminal Procedure of this State adopted in 1911, by providing that all persons are competent to testify in criminal action, except insane persons who are in an insane condition of mind at the time when they are offered as witnesses, etc."

Senator Richards offered the following amendment:

Amendment No. 1 to Senate Bill No. 237:

Amend Senate Bill No. 237 by striking out Section 3, as amended and adding in lieu thereof the following:

Section 3. All persons who have been, or who may hereafter be convicted of a felony in this State or any other jurisdiction, and who have not been actually confined in the penitentiary, and all persons who have been convicted of a felony, but who have been pardoned, discharged or paroled, shall be competent witnesses in this State in all courts of justice and all persons actually confined in the penitentiary at the time their testimony is desired shall be competent witnesses in this State in all courts of justice only when this right is restored by the Governor by the issuance of a proclamation by the Governor for that purpose, provided that no person who has been convicted of the crime of perjury or false swearing and whose conviction has not been set aside, shall have his competency as a witness restored by his pardon or by the action of the Governor, or other pardoning power, granting to the convict the right to testify unless such pardon or restoration of the right to testify by its terms specifically restores this competency to testify in a court of justice; provided that the fact that such witness has been previously convicted of a felony may be introduced in evidence in any case in which such convict may testify, and such fact considered upon the trial in determining the weight to be given such testimony.

RICHARDS.  
HALL.  
FAIRCHILD.

(Lieutenant Governor Davidson in the Chair.)

The amendment was read and adopted, by the following vote:

Yeas—21.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Clark.	Page.
Darwin.	Richards.
Davidson.	Rogers.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Present—Not Voting.

Carlock.	Watts.
McNealus.	

Absent.

Buchanan.	Parr.
Cousins.	Russell.
Dorough.	Suiter.
Harp.	

Senate Bill No. 237 was then passed by the following vote:

Yeas—22.

Baugh.	Hertzberg.
Bledsoe.	Lewis.
Carlock.	McMillin.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Richards.
Davidson.	Rogers.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

Nays—1.

Bailey.

Present—Not Voting.

McNealus.	Watts.
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Absent.

Buchanan.	Parr.
Dorough.	Russell.
Harp.	Suiter.

Senate Bill No. 296.

Unanimous consent was granted Senator Floyd to take up for consideration, and the Chair laid before the Senate, on second reading,

S. B. No. 296, A bill to be entitled "An Act providing that when any bank which is a county, city or district depository for public funds under the laws of this State, suspends business, or is taken charge of by the Comptroller of the Currency or the Commissioner of Insurance and Banking, that the lawful county, city or district authorities authorized to select a depository in the first instance shall have the discretion and authority to select by contract a special depository for the public funds in suspended bank; declaring that such special depository shall assume the payment of such public funds, and it shall pay the same to the designated public authority in accordance with the contract; defining the terms of the contract, making provisions with reference thereto; providing that performance of the contract and payment of all funds described therein shall be secured by bond to be given by the special depository, with the same character of sureties as is required for regular depository bonds; providing for the approval of such special depository contracts and bonds, and leaving it to the discretion of the public authorities as to the rate of interest which such public funds shall bear, or as to whether such funds shall be non-interest bearing; providing that if any State funds are in the county depository which has failed, the amount thereof shall be ascertained by the State Comptroller, who shall be authorized in his discretion to enter into a contract with the special depository selected by the county authorities for the custody and payment of the same, in the same manner that county authorities are authorized to enter into such contracts; giving the Comptroller authority to take and approve contract and bonds therefor; providing, however, that State funds placed in such special depository shall bear the average rate of interest received by the State on funds placed with regularly selected State depositories; providing that nothing in this Act shall require the State, county, city, or district authorities to select a special depository as is herein permitted, and declaring that such authorities may pursue their lawful remedies against the failed bank, if, in their discretion, it is best for the

public interest so to do, and declaring an emergency."

Senator Floyd offered the following amendment, which was read and adopted:

Amend Senate Bill No. 296, page 2, line 32, after the word "bond," by inserting the following:

"Or by several bonds in the case of installments."

The bill was read second time and passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 296 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.

Absent.

Dorough.	Russell.
Hall.	Suiter.
Harp.	Woods.
Parr.	

The bill was read third time and passed finally, by the following vote:

Yeas—23.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Richards.
Cousins.	Rogers.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hertzberg.	

Absent.

Darwin.	Parr.
Dorough.	Russell.
Hall.	Suiter.
Harp.	Woods.

**Simple Resolution No. 61.**

Resolved, That the name of Miss Jack Sentell be added to the pay roll of the Senate at the salary of the Secretary Stenographers of the Senate and be instructed to care for the notaries public and other matters of the former Senator from Eastland.

Signed: Page, Hall, Carlock, Richards, Dudley, Bledsoe, Wood, Lewis, Floyd, Hertzberg, Murphy, Watts, Davidson, Bailey, Cousins, Darwin, Williams, McMillin, Rogers, McNealus, Woods, Clark, Witt.

The resolution was read and adopted.

**House Bill No. 34.**

The Chair laid before the Senate, on third reading,

H. B. No. 34, A bill to be entitled "An Act amending Article 6923 of Title 119 of the Revised Civil Statutes of the State of Texas, 1911, providing that any person summoned to work on the public roads of this State shall be exempted from the performance of such work upon payment to the road overseer of his district of \$2 for each and every day he is summoned to work, and exempting such person from all penalties for failure to work on such roads for the time for which he has so paid, and declaring an emergency."

The bill was read third time and failed of passage by the following vote:

**Yeas—9.**

Carlock.	McMillin.
Cousins.	Rogers.
Dudley.	Watts.
Fairchild.	Williams.
Hertzberg.	

**Nays—13.**

Bailey.	McNealus.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Richards.
Clark.	Witt.
Darwin.	Wood.
Davidson.	

**Present—Not Voting.**

Lewis.

**Absent.**

Dorough.	Parr.
Floyd.	Russell.
Hall.	Sulter.
Harp.	Woods.

Senator Clark moved to reconsider the vote by which Senate Bill No. 34 failed of passage, and

Senator Murphy moved to table the motion to reconsider, which motion to table was adopted by the following vote:

**Yeas—12.**

Pailey.	McNealus.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Richards.
Darwin.	Witt.
Lewis.	Wood.

**Nays—11.**

Carlock.	Hertzberg.
Clark.	McMillin.
Cousins.	Rogers.
Davidson.	Watts.
Fairchild.	Williams.
Floyd.	

**Absent.**

Dorough.	Parr.
Dudley.	Russell.
Hall.	Sulter.
Harp.	Woods.

**Bills Read and Referred.**

The Chair, Lieutenant Governor Davidson, had referred, after their captions had been read, the following House Bill:

H. B. No. 39, Referred to Committee on Roads, Bridges and Ferries.

**Senate Bill No. 41.**

The Chair laid before the Senate, on third reading,

S. B. No. 41, Known as the repeal of the minimum wage bill.

Senator Clark moved that further consideration of the bill be postponed until Wednesday.

**Acceptance of Resignation of Senator Russell.**

Senator McNealus here moved that

the resignation of Senator Russell, as advised by the Governor in message, be accepted.

Senator Richards moved, as a substitute, that the action by the Senate on the resignation be postponed until tomorrow morning, but the substitute motion was held out of order on account of the vote having been ordered.

The motion to accept the resignation was adopted.

#### Senate Bill No. 284.

The Chair laid before the Senate, on third reading,

S. B. No. 284, A bill to be entitled "An Act to amend Article 1610, Title 15, Chapter 28, Penal Code of the State of Texas, relating to the punishment for excessive whipping of refractory prisoners; prohibiting the use of the lash in the penitentiary system of Texas; fixing the penalty, and declaring an emergency."

The bill was read third time, and, Senator Page offered the following amendment:

Amendment No. 1 to Senate Bill No. 284:

Amend the bill by adding after the period at the end of Section 1, the following:

"Provided that when a convict is guilty of repeated infractions of the prison rules the officers in charge of said convict, may make a report in writing stating the nature of such offense to the Board of Prison Commissioners. The Board of Prison Commissioners shall at a meeting attended by all of the commissioners consider such case and if in the unanimous opinion of the Board it is deemed absolutely necessary that corporal punishment by whipping shall be inflicted, said Board shall by a written order entered upon the minutes order the proper officer to inflict reasonable punishment upon said convict, said order shall provide specifically of what said punishment shall consist. A certified copy of said order shall be sent by registered mail to the Governor of Texas, and if the Governor approves said order, he shall enter his approval upon the margin of same and return it to the Prison Commission who shall immediately transmit a copy of said

order to the officer in charge of said convict with instructions to him to carry out said order. Should the Governor disapprove said order he shall enter his disapproval upon the margin of same and return to the Commissioner and the said punishment shall not be inflicted. Complete records of all the matters herein provided shall be open to the public at all reasonable time, said records to include just how the punishment specified was inflicted and a certified copy of all punishment inflicted shall be made to each branch of the Legislature at each regular session.

PAGE.

Action recurred on the amendment and the same was adopted by the following vote:

#### Yeas—17.

Bailey.	Lewis.
Baugh.	McMillin.
Buchanan.	Page.
Clark.	Richards.
Cousins.	Watts.
Darwin.	Williams.
Davidson.	Witt.
Fairchild.	Wood.
Floyd.	

#### Nays—6.

Bledsoe.	Hertzberg.
Carllock.	Murphy.
Dudley.	Rogers.

#### Absent.

Dorough.	Parr.
Harp.	Suiter.
McNealus.	

#### (Pair Recorded.)

Senator Woods (present), who would vote "No"; with Senator Hall (absent), who would vote "Aye."

Senator Page offered the following amendment which was adopted, by unanimous consent:

Amend the bill by adding between the word "defense," in line 17, and the word "shall," in said line, the following: "except as provided in this Act."

The bill, having been read third time, passed by the following vote:

#### Yeas—12.

Bledsoe.	Murphy.
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Cousins.	Page.
Darwin	Richards.
Dudley.	Rogers.
Hertzberg.	Witt.
McNealus.	Wood.

Nays—8.

Bailey.	Fairchild.
Buchanan.	Lewis.
Carlock.	McMillin.
Clark.	Watts.

Absent.

Floyd. Harp.

(Pairs Recorded.)

Senator Baugh (present), who would vote "Nay"; with Senator Suiter (absent), who would vote "Yea."

Senator Davidson (present), who would vote "Nay"; with Senator Parr (absent), who would vote "Aye."

Senator Woods (present), who would vote "Yea"; with Senator Hall (absent), who would vote "nay."

Senator Williams (present), who would vote "Nay"; with Senator Dorrough (absent), who would vote "Yea."

#### Senate Bill No. 251.

The Chair laid before the Senate, on third reading,

S. B. No. 251, A bill to be entitled "An Act to amend Chapter 69 of the Special Laws, passed at the Regular Session of the Thirty-second Legislature, 1911, and approved by Governor March 23rd, 1911, which said Act was amended at the Regular Session of the Thirty-fifth Legislature, 1917, by Chapter 66 of the Special Laws of the said Thirty-fifth Legislature and approved by the Governor the 26th day of March, 1917, and being an Act entitled 'An Act incorporating the Winnsboro Independent School District in Wood and Franklin Counties, Texas, for free school purposes only, defining its boundaries, providing for a Board of Trustees, divesting the City of Winnsboro of the control of its public schools and title to school property and vesting the same in said Winnsboro Independent School District, and its Board of Trustees, prescribing the rights, powers, privi-

leges and duties of trustees, and declaring an emergency,' by more clearly defining its boundaries and providing the rate on which the fiscal year begins and ends and the date on which taxes unpaid shall become delinquent, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Dorough.	Parr.
Hall.	Suiter.
Harp.	

#### Senate Bill No. 140.

The Chair laid before the Senate, on third reading,

S. B. No. 140, A bill to be entitled "An Act for the relief of citizens of this State who are, or have been, absent from this State for more than six months because of their being in the military, naval, legislative or diplomatic service of the State or the United States, to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Bill No. 209.

The Chair laid before the Senate, on third reading,

S. B. No. 209, A bill to be entitled "An Act providing for the payment of witnesses in felony cases residing outside of the State of Texas and within two hundred miles of the State boundary; and declaring an emergency."

The bill was laid on the table subject to call.

**Senate Bill No. 86.**

The Chair laid before the Senate, on third reading,

S. B. No. 86, A bill to be entitled "An Act to amend Chapter 129 of the General Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, authorizing the State Board of Medical Examiners of this State to cancel the license of any licensed 'practitioner of medicine' when the facts are made known to it that such practitioner has been convicted of the crime of the grade of a felony, and for other reasons; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 197.**

The Chair laid before the Senate on third reading,

S. B. No. 197, A bill to be entitled "An Act to provide for the branding of new and renovated mattresses and comforts and to provide against the use of unsanitary, unhealthy old or second hand comforts and to provide against the sale of mattresses or comforts containing such unsanitary, unhealthy old or second hand materials, providing a penalty therefor, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 255.**

The Chair laid before the Senate, on third reading,

S. B. No. 255, A bill to be entitled "An Act repealing Chapter 47 of the Special Laws of the Regular Session of the Thirty-sixth Legislature, known as an Act to create a more efficient road system for Wood County, as approved by the Governor on March 13th, 1919, and repealing any and all other special laws, and parts of special laws relating to a road system for Wood County; providing that hereafter only the General Laws relating to roads for the various counties of the State of Texas shall be effective in Wood County; providing that any and all bonds hereto-

fore issued by said Wood County, or any district in Wood County, shall remain valid obligations and that taxes shall be assessed and collected for the payment of the interest and creating a sinking fund to liquidate said bonds in the same manner as that is now done, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

**Yeas—25.**

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

**Absent.**

Dorough.	Parr.
Hall.	Suiter.
Harp.	

**Senate Bill No. 264.**

The Chair laid before the Senate, on third reading,

S. B. No. 264, A bill to be entitled "An Act to amend Article 6278 of Chapter 2 of Title 105 of the Revised Civil Statutes of the State of Texas of 1911, denying payment of pensions to those otherwise entitled to same, while inmates of the Texas Confederate Home, or while confined in any of the asylums of this State, at the expense of the State, or while confined in the State penitentiary to satisfy a judgment of conviction, so as to provide that inmates of the Confederate Home, and inmates of the Confederate Woman's Home, shall be entitled to receive pension payments equal to one-half the amount they would be entitled to receive if they were not inmates of such home, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 266.**

The Chair laid before the Senate, on third reading,

S. B. No. 266, A bill to be entitled "An Act providing for the construction, equipment and maintenance of a building in connection with the Texas School for the Blind, to accommodate, educate and take care of blind children or children with defective eye sight under the age of children which may be admitted into the Texas School for the Blind under the present laws; providing for the operation, support and maintenance of such addition to the Texas School for the Blind and making an appropriation for said purpose and purposes; and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 198.**

The Chair laid before the Senate, on third reading,

S. B. No. 198, A bill to be entitled "An Act authorizing the State Board of Health to procure diphtheria antitoxin, tetanus antitoxin and vaccine lymph for the free use of people of the State upon whom the purchase thereof would impose a hardship; providing for the distribution of said antitoxins and vaccine lymph by the State Board of Health to the before mentioned persons upon the recommendation of the attending physician."

The bill was read third time and passed finally.

**Senate Bill No. 215.**

The Chair laid before the Senate, on third reading,

S. B. No. 215, A bill to be entitled "An Act requiring every individual, firm, association or corporation, owning, keeping, conducting or managing an institution or home for the boarding or sheltering of infant children or so-called 'Baby Farm,' or any laying-in hospital, hospital ward, maternity home or other place for the reception, care and treatment of pregnant women, charging a fee or receiving or expecting compensation shall obtain an annual license from

the State Board of Health which license shall be issued without fee. Local Health Officer to be given notice of the granting and terms of license. Local Health Officer to inspect such places at intervals. Requiring the reporting of the birth of any child in such place within twenty-four hours after its occurrence to the local health officer. Making it unlawful to operate or conduct any such above mentioned place without having the license mentioned. Imposing a fine and other penalty for violation of this Act, and stipulating that any license shall be revoked if owner be convicted of conducting a 'disorderly house,' as that term is defined in the criminal laws of this State, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

**Yeas—22.**

Bailey.	Hertzberg.
Baugh.	Lewis.
Buchanan.	McMillin.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Richards.
Davidson.	Rogers.
Dudley.	Watts.
Fairchild.	Witt.
Floyd.	Wood.

**Nays—1.**

Williams.

**Present—Not Voting.**

Bledsoe. Woods.

**Absent.**

Dorough.	Parr.
Hall.	Suiter.
Harp.	

**Senate Bill No. 217.**

The Chair laid before the Senate, on third reading,

S. B. No. 217, A bill to be entitled "An Act amending Articles 3297 and 3300a and 3300b, so as to provide Revised Civil Statutes of the State of Texas, and adding thereto Articles 3300a and 3300b, so as to provide that temporary administrators appointed may be made permanent administrators, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Concurrent Resolution No. 20.

Senator Watts offered the following:

S. C. R. No. 20, A resolution granting District Judge Ward a leave of absence from the State, at certain future time, etc.

The resolution was adopted.

#### Senate Bill No. 225.

The Chair laid before the Senate, on third reading,

S. B. No. 225, A bill to be entitled "An Act to amend Article 6401 of the Revised Civil Statutes of 1911, providing for the trial and investigation of matters in suits brought by quo warranto proceedings and providing for appeals in such cases and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Dorough.	Parr.
Hall.	Suiter.
Harp.	

#### Senate Bill No. 205.

The Chair laid before the Senate, on third reading,

S. B. No. 205, A bill to be entitled "An Act providing that the Secretary of State may charge, as fee of his office, a sum for investigations made by employees of that Department, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Bill No. 258.

The Chair laid before the Senate, on third reading,

S. B. No. 258, A bill to be entitled "An Act to make it discretionary on the part of the trial judge with regard to submitting a case to the jury on special issues of fact in all cases tried before a jury in the District or county courts of this State; and providing that where the parties litigant agree that the case shall be submitted on special issues, it shall be due to the Court to so submit said case; and further, providing where the case is submitted on special issues, it shall be proper for the attorneys to explain to the jury the effect of the finding thereon; repeal all laws in conflict herewith and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Bill No. 137.

The Chair laid before the Senate, on third reading,

S. B. No. 137, A bill to be entitled "An Act to amend Chapter 140, Acts of the Thirty-sixth Legislature, granting to J. J. Kane, of the city of Galveston, Texas, his heirs and assigns, an extension of time in which the sum of not less than \$150,000.00 should be expended in the construction of a dry dock or marine railway on certain submerged flats or lands on the shore of Galveston Bay, and declaring an emergency."

The bill was laid on the table subject to call.

#### Senate Bill No. 277.

The Chair laid before the Senate, on third reading,

S. B. No. 277, A bill to be entitled "An Act to fix the salary and compensation of the Superintendent of the Confederate Woman's Home, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Bill No. 213.

The Chair laid before the Senate, on third reading,

S. B. No. 213, A bill to be entitled "An Act diminishing the jurisdiction of the county court of Tyler County, Texas, so that such court will have only the jurisdiction of a probate court, and conferring the civil and criminal jurisdiction of said county upon the court of Tyler County, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Bill No. 287.

The Chair laid before the Senate, on third reading,

S. B. No. 287, A bill to be entitled "An Act creating the Buffalo Flat Common School District No. 20 in Hall County, Texas, describing its metes and bounds, providing for the assumption of its part of the bonded indebtedness of Turkey Independent District, placing the district under the general laws, providing for a board of three trustees and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Dorough.	Parr.
Hall.	Suiter.
Harp.	

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has failed to pass over the objections of the Governor,

S. B. No. 45, A bill to be entitled

"An Act repealing Article 7380, Title 126, Chapter 2, Revised Civil Statutes, 1911, providing for the payment of an occupation tax by individuals, companies, corporations and associations in this State selling pistols, and declaring an emergency."

By the following vote: Yeas 43, nays 71.

Respectfully submitted,  
N. K. BROWN,  
Chief Clerk House of Representatives.

#### Senate Bill No. 280.

The Chair laid before the Senate, on third reading,

S. B. No. 280, A bill to be entitled "An Act to amend Article 610, Chapter 1, Title 18, of the Revised Civil Statutes of Texas of 1911, so as to provide in substance, that the county commissioners' court shall in addition to being authorized to issue bonds of the county for the erection of the county court house and jail, or either, that such commissioners' court should also have the power to issue the bonds of said county as provided for in said section for the construction of buildings to be used as schools or homes for department and delinquent boys and girls, or for either one or both of said excess, as said commissioners' court might determine; to repeal all laws in conflict therewith, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Dorough.	Parr.
Hall.	Suiter.
Harp.	

**Senate Bill No. 278.**

The Chair laid before the Senate, on third reading,

S. B. No. 278, A bill to be entitled "An Act making an appropriation of Five Hundred Fifty Thousand (\$550,000.00) Dollars out of funds in the State Treasury not otherwise appropriated, to the Prison Commission of the State of Texas for the purpose of paying the operating expenses of said Prison Commission during the remainder of the present fiscal year and the purchase price of the Blue Ridge Farm and other indebtedness incurred by said Commission under authority of law; providing for the return to the State Treasury of the amounts unused by it out of this appropriation; and declaring an emergency."

Senator McMillin offered the following amendment, which was read and adopted:

Amend Senate Bill No. 278 by adding the following:

"Provided that no part of this appropriation shall be used to pay any part of the debt claimed against the State on account of Fort Bend Oil Mill purchase unless specifically authorized by the Legislature."

The amendment was read and adopted by the following vote:

**Yeas—24.**

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Hertzberg.	Woods.

**Absent.**

Dorough.	Harp.
Floyd.	Parr.
Hall.	Suiter.

The bill was then passed by the following vote:

**Yeas—25.**

Bailey.	Carlock.
Baugh.	Clark.
Bledsoe.	Cousins.
Buchanan.	Darwin

Davidson.  
Dudley.  
Fairchild.  
Floyd.  
Hertzberg.  
Lewis.  
McMillin.  
McNealus.  
Murphy.

Page.  
Richards.  
Rogers.  
Watts.  
Williams.  
Witt.  
Wood.  
Woods.

**Absent.**

Dorough.  
Hall.  
Harp.

Parr.  
Suiter.

**Senate Bill No. 272.**

The Chair laid before the Senate, on third reading,

S. B. No. 272, A bill to be entitled "An Act to amend Chapter 14, Article 2781, Revised Civil Statutes of 1911, as amended by Chapter 27, Acts of the Third Called Session of the Thirty-sixth Legislature, relating to salaries of teachers so as to change the provision as to districts levying a local tax, validating contracts heretofore made, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

**Yeas—22.**

Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Rogers.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Hertzberg.	Woods.

**Absent.**

Bailey.	Harp.
Dorough.	Parr.
Floyd.	Richards.
Hall.	Suiter.

**Senate Bill No. 292.**

The Chair laid before the Senate, on third reading,

S. B. No. 292, A bill to be entitled "An Act enlarging and creating Geneva Independent School District, in Sabine County, Texas, and consolidating Rock Springs Common School District No. 18 and Red Oak Com-

mon School District No. 22 with Geneva Independent School District; defining its boundaries; providing for a Board of Trustees; vesting it with rights, powers, duties and privileges of independent school districts incorporated for school purposes only; providing for a Board of Equalization to fix the taxable valuation of the personal and real property in said district; divesting out of the Rock Springs Common School District No. 18 and Red Oak Grove Common School District No. 22 the title and the control of all school money and school property belonging to said common school districts, and vesting the title and the control of all such money and property in Geneva Independent School District; providing that if any part of this Act is declared unconstitutional, such decisions shall not make void or annul its other provisions; repealing all laws in conflict with this Act, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Bill No. 265.

The Chair laid before the Senate on third reading.

S. B. No. 265. A bill to be entitled "An Act to amend Chapter 85, of the Acts of the Regular Session of the Thirty-third Legislature, entitled 'An Act to provide the mode by which horses, mules, jacks, jennets and cattle, may be prevented from running at large in subdivisions of Harris County,' and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read and laid on the table subject to call.

#### Excused.

Senator Parr, for today and tomorrow, on motion of Senator Clark.

#### Adjournment.

Senator Clark moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Bledsoe moved that the Senate adjourn until 9:30 o'clock tomorrow morning.

The motion to adjourn until 10 o'clock was lost.

The motion to adjourn until 9:30 o'clock tomorrow morning was adopted.

#### Bills Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 232, A bill to be entitled "An Act amending Section 14 of Chapter 81 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session by providing that the Board of Trustees of Donna Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 233, A bill to be entitled "An Act amending Section 14 of Chapter 85 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, by providing that the Board of Trustees of Edinburg Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 220, A bill to be entitled "An Act creating the Hewitt Independent School District in McLennan County, Texas; defining its boundaries, including the present Hewitt Independent School District; providing for a Board of Trustees in said district, conferring upon said district and its Board of Trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the Boards of Trustees thereof; providing that the present Board of Trustees continue in office until the expiration of their respective terms; providing for an Assessor and Collector of Taxes and Board of Equalization; providing that the Hewitt Independent School District as herein created shall become bonded and liable for the payment of its pro rata part of any outstanding bonded indebtedness heretofore voted upon any territory taken away from

any other school district and included within the bounds of the Hewitt Independent School District as herein created, and declaring an emergency."

S. B. No. 88, A bill to be entitled "An Act to amend Section 61 of Article 30, Title 5, of the Revised Statutes changing the time of holding the terms of the District Court of the Sixty-first Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

#### APPENDIX.

##### Committee Reports.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 313, A bill to be entitled "An Act to appropriate ten thousand dollars (\$10,000.00) to purchase the Aitken collection of four thousand (4,000) volumes on English literature, owned by H. B. Wrenn of Chicago, on which the University of Texas has an option to buy for twenty thousand dollars (\$20,000.00) and declaring an emergency,"

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass and be not printed.

Dudley, Chairman; Carlock, Williams, McMillin, Wood, Clark, Hertzberg, Lewis, Page, Cousins.

Committee Room,

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 289, A bill to be entitled "An Act to prevent the selling of bass, or white perch, or crappie, or channel catfish taken from the public fresh waters in the Counties of Burnet, Llano, Runnels, San Saba, Mills, Brown, McCulloch, Coleman, Lampasas, Concho, Menard, Mason, Blanco, Gillespie, Kimble, Sutton and Edwards, State of Texas; prohibiting the use of any seine, net, or other device, or trap for taking, or catching fish other

than a minnow seine, which shall not be more than twelve feet in length; limiting the size of fish which may be taken with a minnow seine, and limiting the number of fish to be taken to be taken in any one day, making it unlawful to violate any of the provisions of this law, and providing penalties for the violations thereof, and declaring an emergency."

Have had the same under consideration, and I am requested to report the same back to the Senate with the recommendation that it do pass.

Bledsoe, Chairman; Baugh, Williams, Dudley, Murphy, Bailey, Baugh.

Committee Room.

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 207, A bill to be entitled "An Act creating a County Court at law for Stephens County, Texas, defining and establishing the jurisdiction of said court and defining the jurisdiction retained by the County Court of Stephens County; providing for the term and practice for County Court at law for Stephens County, Texas, for the election, qualification of the Judges thereof and the terms of same; providing for the bond and oath of said Judge and for the appointment of the Judge thereof; providing for the issuance of writs and the return and service of same; providing for the appointment of Jury Commissioners, the election of Judges thereof; the fees and salary of the Judge of the County Court at law of Stephens County, Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and be not printed.

RICHARDS, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 294, A bill to be entitled "An Act fixing the time of holding court in the Thirty-eighth Judicial District of Texas, changing the time for holding court in Kerr County, and repealing all laws in conflict herewith,"



Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

RICHARDS, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 311, A bill to be entitled "An Act to fix the time of holding the District Court in the various counties in the Seventh Judicial District of Texas, to validate all process, bonds and recognizances heretofore taken in the courts of said district and all judgments therein rendered, or to be rendered, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and be not printed.

RICHARDS, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 132, A bill to be entitled "An Act to amend Chapter 85 of the Acts of the Regular Session of the Thirty-third Legislature, entitled 'An Act to provide the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in subdivisions of Harris County, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,'"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

CLARK, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 435, A bill to be entitled "An Act to amend Article 7305 of the

Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 10 of the Acts of the Second Called Session of the Thirty-sixth Legislature, relating to the inspection of hides and animals, by striking therefrom the word 'Webb,' so as to include Webb among the counties subject to the provisions of Chapter 7, Title 124 of the Revised Civil Statutes of 1911, relating to regulations for the protection of stock raisers in certain localities, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

CLARK, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 238, A bill to be entitled "An Act relating to regulations for the protection of live stock raisers in Texas, exempting certain counties therefrom, amending Articles 7256, 7257, 7258, 7259, 7260, 7261, 7305, in Chapter 7, in Title 124, of the Revised Civil Statutes of the State of Texas, and prescribing an emergency, all pertaining to the protection of live stock raisers in Texas,"

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

CLARK, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 304, A bill to be entitled "An Act to amend Article 7162 and Article 7164, Revised Civil Statutes of the State of Texas of 1911, providing that said articles shall be so amended that the appraisers appointed to assess the value of any animals that have been condemned by said appraisers to be killed because said animals are diseased with the glanders or farcy, at their value at the time of making said appraisement and condemnation and

shall not take into consideration that said animals had the glanders or farcy, and empowering the Commissioners' Court to pay any amount that they may think just and right not to exceed one-half of said value, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

CLARK, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 243, A bill to be entitled "An Act defining stockyards engaged in holding live stock received from transportation lines pending their sale to purchasers; declaring all corporations, persons, partnerships or associations of persons now engaged, or to hereafter engage, in holding and feeding live stock received from railroads and transportation companies or otherwise, pending their sales to packing houses or to the purchasers, as public utilities and making them subject to the provisions of this Act; giving the Railroad Commission of Texas the power to regulate the rate of yardage and the price charged by such stockyards for feed, and providing against discrimination in favor or against individuals, associations, or persons, or corporations in the conduct of their business; empowering said Commission to make rules and regulations for their conduct and to fix the charges made by them for services rendered, and giving said Commission plenary power to make rules and regulations for the control of such stockyards and power to enforce their rules and regulations and the provisions of this Act; fixing the penalties for violation of this Act, or the rules and orders of said Commission; making such violations a criminal offense and fixing the penalty therefor, and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved by such violation and naming the tribunal in which such recovery may be had; providing for the employment of an expert to assist the Commission, fixing his salary and making an appropriation therefor, and providing for a

tax to provide a fund for such expenses; making this Act cumulative, and providing that the invalidity of any part of this Act shall not invalidate the remaining parts thereof, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

CLARK, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 390, A bill to be entitled "An Act creating the St. Jo Independent School District, in Montague County, Texas, out of the territory known as the St. Jo Independent School District, in said county, defining its boundaries and providing for the election of Trustees therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 242, A bill to be entitled "An Act authorizing the erection of a monument to the memory of the soldiers, sailors, marines and nurses from Texas who lost their lives during the war between the United States and the Imperial German Government; providing for the appointment of a committee making an appropriation therefor, permitting private donations, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DUDLEY, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

S. B. No. 132, A bill to be entitled

an appropriation for the promotion of vocational education in order to continue the benefits of a federal appropriation made for the same purpose.

"An Act to make appropriation in order to enable the State of Texas to continue to receive the benefit of federal funds appropriated the State for vocational education under the provisions of the Smith-Hughes Act, accepted by the State of Texas, appropriating one hundred sixty-five thousand, six hundred (\$165,600.00) dollars, or so much thereof as may be necessary for the fiscal years 1921, 1922 and an appropriation of one hundred eighty-five thousand, six hundred (\$185,600.00) dollars, or so much thereof as may be necessary for the fiscal years 1922-1923."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DUDLEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

S. B. No. 241, A bill to be entitled "An Act to amend Chapter 2, Title 32, of Revised Civil Statutes of Texas, by adding thereto, Article 158Sa, granting to the Courts of Civil Appeal the right to appoint a Bailiff to attend the sitting of such court and providing for a salary for such Bailiff."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DUDLEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

S. B. No. 178, A bill to be entitled "An Act to appropriate five million (\$5,000,000.00) dollars out of the general funds of the State to aid the public schools for the scholastic year beginning September 1st, 1921, and ending August 31st, 1922, the same to be made a part of and distributed as the available school fund is now distributed."

Have had the same under consideration, and I am instructed to report

the same back to the Senate with the recommendation that it do pass.

DUDLEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Election, have had before us S. B. No. 164, by Rogers, a bill known as an Act limiting the right of suffrage to citizens of the United States, so as to limit the meaning of the word "citizen" have had same under consideration, and I am instructed to return the same back to the Senate with the recommendation that it do pass.

COUSINS, Vice Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, have had before us H. B. No. 20, by Marshall, a bill to be entitled an Act to amend Article 886 and 887, Chapter 6, Title 11, of the Penal Code of the State of Texas, so as to provide a penalty for betting on all public elections and defining election and declaring an emergency, have had the same under consideration, and I am instructed to return the same back to the Senate with the recommendation that it do pass.

COUSINS, Vice Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 232 and find the same correctly enrolled, and have this day at 5:00 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 233 and find the same correctly enrolled, and have this day at 5:00 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 88 and find the same  
correctly enrolled, and have this day  
at 5:00 o'clock p. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 220 and find the same  
correctly enrolled, and have this day  
at 5:00 o'clock p. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 194 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 179 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 94 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 184 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 160 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 95 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 176 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 138 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 151 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 158 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 155 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have carefully compared  
Senate Bill No. 245 and find the same  
correctly enrolled, and have this day  
at 10:45 o'clock a. m. presented the  
same to the Governor for his ap-  
proval.

DARWIN, Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bill  
No. 264 carefully compared and find  
same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bill  
No. 205 carefully compared and find  
same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bill  
No. 213 carefully compared and find  
same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bill  
No. 137 carefully compared and find  
same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bill  
No. 255 carefully compared and find  
same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bill  
No. 215 carefully compared and find  
same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bill  
No. 217 carefully compared and find  
same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 225 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 258 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 198 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 197 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 280 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 265 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 272 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 278 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 287 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 266 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 292 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 277 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 122 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 296 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

### THIRTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, March 1, 1921.  
The Senate met at 9:30 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Watts.
Dorough.	Williams.
Dudley.	Witt.
Fairechild.	Wood.
Floyd.	Woods.
Harp.	

Absent.

Hall. Suiter.

Absent—Excused.

Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

See Appendix for committee reports and petitions.

### Bills and Resolutions.

By Senator Dudley:

S. B. No. 325, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Davidson:

S. B. No. 326, A bill to be entitled "An Act to amend Section 6a, part 2, Chapter 103, Laws of 1917, same being known as the Workmen's Compensation Law so as to provide that the subscriber shall have first lien upon any cause of action by an injured employe or his beneficiary against a third person who may be liable to such employe and that such beneficiary may have the right to employ counsel to take charge of his interest in such litigation."

Read first time and referred to Committee on Labor.

By Senator Hertzberg:

S. B. No. 327, A bill to be entitled "An Act empowering and authorizing the county commissioners' court of Bexar County to establish, maintain and operate a law library; authorizing the county commissioners' court to appropriate the sum of twenty thousand dollars (\$20,000.00) or so much thereof as they deem necessary to properly maintain and establish said library, such law library being established primarily for the benefit of the judges of the 37th, 45th, 57th, and 73rd Judicial Districts, the county judge of Bexar County, the county judge of Bexar County for Civil cases, the county judge of Bexar County for Criminal cases; providing it shall be established in the county seat of Bexar County; providing all practitioners of the bar may use said library under conditions set out; providing county court shall select a law library board being composed of county judge as chairman, one district judge and one reputable attorney; prescribing powers of said board including their powers of recommendation, said board to receive no com-